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The Observatory
for the Protection
of Human Rights Defenders

IRAN

INDEFENSIBLE: IRAN'S SYSTEMATIC CRIMINALISATION OF HUMAN RIGHTS DEFENDERS

Report

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SOS-Torture Network

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Cover photo: Taghi Rahmani accepts the Weimarer Menschenrechtspreis (Weimar Human Rights Award) on behalf of his wife, Narges Mohammadi, on December 10, 2016, in Weimar, Germany. Narges Mohammadi was Vice-President of the now banned Iranian human rights organisation, Defenders of Human Rights Center (DHRC). She is serving a 16-year prison sentence in Tehran's Evin prison. © Arifoto Ug/Michael Reichel/dpa

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Acronyms

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
DHRC	Defenders of Human Rights Center
EU	European Union
FIDH	International Federation for Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IRGC	Islamic Revolution Guard Corps
LDDHI	League for the Defence of Human Rights in Iran
NGO	Non-governmental organisation
OMCT	World Organisation Against Torture
UN	United Nations
UPR	Universal Periodic Review

I. Introduction

Over the past 15 years, human rights defenders in Iran have faced increased criminalisation and their situation has continued to worsen. Defenders have been frequently arrested without charge, held in prolonged pre-trial detention without access to legal representation of their choosing, sentenced to lengthy prison terms on vague charges following unfair trials, and incarcerated in poor conditions. Human rights lawyers and women's rights defenders have been specifically targeted in an attempt to undermine their rights to have an adequate legal defence by a lawyer of their own choosing and to quash emerging women's rights initiatives. Other groups of defenders, such as minority and labour rights activists, have also been regularly repressed. Legal provisions that allegedly relate to 'national security' have been regularly used by the authorities to limit freedoms of expression, association, and peaceful assembly, pursue politically-motivated cases against human rights defenders, and violate their right to a fair trial. The use of these provisions is enabled by a judiciary that lacks independence from the executive branch of government and fails to uphold Iran's obligations under international law with regard to the right to a fair trial.

The situation for human rights defenders has particularly worsened since the election of former President Mahmoud Ahmadinejad in 2005 and under his successor and current President, Hassan Rouhani, and further deteriorated since nationwide street protests erupted in December 2017 in reaction to the government's economic policies.

Despite language that was seen by observers as 'pro-reform' during the two campaign periods, President Rouhani has done little to improve the human rights situation in the country and has, instead, continued to allow violations to occur. In this context, human rights defenders, activists, and lawyers have borne the brunt of violations, including a wide-ranging crackdown spearheaded by the country's security forces and the judiciary.

Methodology

The following report builds on a joint submission made in March 2019 by FIDH and the World Organisation Against Torture (OMCT), in the framework of their partnership under the Observatory for the Protection of Human Rights Defenders, and the League for the Defence of Human Rights in Iran (LDDHI), to the United Nations (UN) Human Rights Council ahead of Iran's third Universal Periodic Review (UPR),[1] which will be held in November 2019. The report is based on an analysis of individual cases on which the Observatory worked in 2018 and the first half of 2019. These cases have served as the basis for analysing the trends concerning the judicial harassment of human rights defenders in Iran, supplemented by an assessment of the criminal justice system in Iran and the ways in which it has been used by the authorities to repress fundamental freedoms.

1 See FIDH, OMCT, & LDDHI, *Joint submission for the United Nations Universal Periodic Review (UPR) of Iran*, March 28, 2019, https://www.fidh.org/IMG/pdf/fidh_omct_lddhi-iran_upr_submission_2019-final.pdf.

II. A legal system used to repress peaceful dissent

Iran's legal system has gone through multiple changes and iterations over the past century. Since the 1979 Islamic revolution, the legal code, previously based primarily on secular civil law, has become deeply intertwined with Islamic law (*sharia*).

The 1979 Constitution enshrines various provisions pertaining to the right to a fair trial: equal protection under the law (Article 20); the right to recourse to the courts (Article 34); the right to a legal counsel (Article 35); sentencing in accordance with the law (Article 36); the presumption of innocence (Article 37); and the prohibition of torture (Article 38).[2] However, those rights are restricted by Article 20 of the Constitution, which makes their enjoyment conditional upon "compliance with Islamic tenets", and often denied because of the complete subordination of all State institutions, including the judiciary, to the Supreme Leader, Ali Khamenei. As a result, although the judiciary is an "independent power" according to the Constitution, it remains a tool of the executive and is used to repress fundamental freedoms.

Criminal law in Iran is composed of three primary pieces of legislation: 1) the Islamic Penal Code, the first version of which came into effect in 1982 and was last amended in 2013; 2) the Code of Criminal Procedure; and 3) the Law Establishing General and Islamic Revolution Courts. The 2013 Islamic Penal Code contains 728 articles divided into five "books". Book one details general penal provisions; books two to four cover the Islamic *hudud, qisas,* and *diyat* categories of crimes and related punishments; and book five[3] contains provisions concerning *ta'zir* and other crimes, including 'national security' offences.[4]

In addition to domestic laws, Iran is bound by several core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC).[5]

Despite Iran's ratification of these international human rights treaties, the Islamic Penal Code remains in violation of international human rights laws and fair trial standards, particularly Article 14 of the ICCPR, which recognises the right to a fair trial and equality before the courts. This situation is exacerbated by the codification of a number of 'national security' legislative provisions that have been regularly used by the authorities to violate fundamental rights, including the right to a fair trial, and to pursue politically-motivated cases against human rights defenders.

2 Article 38 does not prohibit torture in absolute terms but only "for the purpose of obtaining confession or information."

3 Book five is a section of the 1996 Islamic Penal Code, which has remained in force (with the exception of eight articles) under the provisions of Article 728 of the 2013 Islamic Penal Code. Some article numbers are repeated. This means that, for example, Article 638 concerning the wearing of the hijab is a provision of the 1996 Islamic Penal Code, whereas Article 638 of the 2013 Islamic Penal Code concerns financial compensation for damage to a limb.

4 *Hudud*, *qisas*, *diyat* and *ta'zir* are forms of punishment in traditional Islamic criminal jurisprudence. *Hudud* refers to punishments that are specified in the Qur'an or the Hadith. The doctrine of *qisas* provides for retributory punishment (e.g. 'eye for an eye') analogous to the crime against a convicted perpetrator of murder or intentional bodily injury. The victim or victim's heirs have the right to demand punishment or to forgive it. An alternative punishment to *qisas* is *diyat* under which financial compensation is paid to the victim or heirs of a victim in cases of murder, bodily harm or damage to ability. *Ta'zir* refers to punishments applied to the other offences for which no punishment is specified in the Qur'an or the Hadith and which are at the discretion of the judge or ruler of the State.

5 Iran has taken no concrete steps towards signing or ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

2.1 Lack of independence of the judiciary

Article 14 of the ICCPR, to which Iran is a State party, and the UN Basic Principles on the Independence of the Judiciary, impose an obligation on States to guarantee that criminal trials are adjudicated by independent tribunals. However, in Iran, the judiciary lacks independence from the executive branch of government and fails to uphold Iran's obligations under international law with regard to the right to a fair trial.

Despite the separation of powers purportedly guaranteed by Article 57 of the Constitution, the same article empowers Iran's Supreme Leader to supervise and exert control over the executive, legislative, and judicial branches and other key institutions. This is reinforced by the system of "advisory councils" provided for in the Constitution, whose members are in their majority appointed by the Supreme Leader and who have extensive powers to request amendments to legislation or veto changes, vet candidates and supervise elections, and more. Article 156 of the Constitution describes the judiciary as "an independent power which shall support individual and social rights and be responsible for ensuring justice." However, Article 61 of the Constitution qualifies this independence by stating that "the functions of the judiciary are to be performed by the courts of justice, which are to be formed in accordance with the criteria of Islam."

The Head of the judiciary is the most senior judicial official in Iran and bears ultimate responsibility for the administration and supervision of the judicial system. He is appointed by the Supreme Leader every five years. The current Head of the judiciary, appointed by Supreme Leader Ayatollah Khamenei on March 7, 2019, is Hojattolislam Ebrahim Ra'eesi. Mr. Ebrahim Ra'eesi is known for being part of a small group of high and medium level government officials who sent thousands of political prisoners to death following summary trials in 1988.[6]

2.2 Broad provisions of the Islamic Penal Code used as a tool of judicial harassment

The provisions of the Islamic Penal Code that authorities have most frequently invoked to arrest, detain, and prosecute human rights defenders include:

- Article 498 ("establishing a group that aims to disrupt national security");
- Article 499 ("membership in a group that aims to disrupt national security");
- Article 500 ("spreading propaganda against the system");
- Article 508 ("cooperating with hostile foreign States against the Islamic Republic of Iran");
- Article 510 ("disrupting [public] order");
- Article 514 ("insulting the founder of the Islamic Republic and the Supreme Leader");
- Article 609 ("insulting public officials");
- Article 610 ("gathering and collusion against internal or external security");
- Article 618 ("disrupting order and comfort and calm of the general public or preventing people from work");
- Article 697 ("falsely accusing someone of an offence"); and
- Article 698 ("spreading falsehoods with intent to disturb the public opinion").

All these provisions are highly arbitrary and incompatible with international human rights law. The overly broad terms used (such as "national security", "insulting", "order") allow prosecutors to apply them to any person deemed undesirable or in politically-motivated cases.

6 For more information on the 1988 trials and executions, see: FIDH & LDDHI reports, *Iran: 25 years on, and still no justice – 1988 prison executions remain* unpunished, September 2013, https://www.fidh.org/IMG/pdf/report-1988_prison_executions_092013_eng_.pdf; *IRAN/death penalty: A state terror policy*, April 2009 https://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf.

In his 2017 report on the situation of human rights in Iran, the UN Secretary-General emphasised that "invoking charges related to national security against individuals for merely expressing their opinion or participating in peaceful assemblies not only endangers their physical integrity but also undermines their work as human rights defenders and instils fear in society."[7]

A protestor holds a sign saying 'No to Mandatory Hijab' as hundreds of Canadians take part in a protest against Iran in Toronto, Canada, on January 6, 2018. Photo by Creative Touch Imaging Ltd./NurPhoto

Iran's mandatory hijab laws

Soon after the 1979 Revolution, it became compulsory for all women in Iran, regardless of their religion or belief, to wear the hijab and dress "in accordance with *sharia*." These requirements, enshrined in the Islamic Penal Code in 1982, 1991, and 1996, have been used to discriminate against women and largely exclude them from many areas of public life.

Article 638 of the Islamic Penal Code prescribes prison sentences ranging from 10 days to two months and/or a fine for women not wearing the Islamic hijab in public. However, Article 639 provides for punishments of one to 10 years for "encouraging people to commit immorality and prostitution", a charge that has also been used to sentence individuals to lengthier prison terms in cases related to protests against the mandatory hijab [see below, *Section 3.1*].

Punishments in Iranian criminal law

The different forms of crimes and punishments are listed in book one of the Islamic Penal Code, and are then divided into the four categories of Islamic law: *hudud*, *qisas*, *diyat*, and *ta'zir* and others. For the first three, punishments are in accordance with *sharia* law, while *ta'zir* and other deterrent punishments are spelled out. Divided into eight degrees, *ta'zir* punishments include: prison sentences that range from 10 days to over 25 years, fines of up to one billion Rials (26,871 Euros), confiscation of assets, deprivation of rights (such as bans on participation in political or social activities), and flogging of up to 100

7 See UN Human Rights Council report, *Situation of human rights in the Islamic Republic of Iran – Report of the Secretary General,* UN Document A/HRC/34/40, March 13, 2017, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_34_40.pdf.

lashes. It should be added that under Article 134 of the Islamic Penal Code, judges have the power to issue a sentence higher than the maximum provided under the relevant provisions when the defendant has committed more than three offences.

In addition, Iran retains the death penalty for a wide range of crimes, such as drug-related offences,[8] many of which do not fall under the category of the "most serious crimes," under international law,[9] and it has taken no steps in recent years to move towards abolition either by reducing the number of non-drug related crimes that are punishable by death or by reducing the number of death sentences that are imposed and the number of executions that are carried out. However, it has reduced the scope of certain drug-related crimes punishable by death, by increasing the minimum amounts of drugs that would result in a death sentence.

2.3 Legal representation constrained

Iran's Constitution sets no limits to, or conditions on, the right to legal counsel or representation, which is guaranteed by Article 35. In addition, according to Article 48 of the Criminal Procedure Code, people have the right to ask for - and have meetings with - a lawyer as soon as they are detained. However, a note to Article 48 prescribes that during the investigation phase in cases of "crimes against internal or external security" defendants select their attorneys from a list approved by the Head of the judiciary.

In January 2018, the then Head of the judiciary began issuing lists of lawyers who are allowed to take up cases involving 'national security' charges. Defendants accused of "crimes against internal or external security" are only allowed to choose legal representation from those lists during the preliminary investigation stage. This violates Article 35 of the Constitution, as well as Article 2(d) of the ICCPR, which stipulates that everyone is entitled to "defend himself in person or through legal assistance of his own choosing."

It was reported that only 20 out of 2,000 lawyers who are members of Tehran's Bar Association were included in the list issued by the Head of the judiciary. As a result, many human rights defenders who faced 'national security' charges were prohibited from being represented by a lawyer of their own choosing and were instead represented by lawyers handpicked by the then Head of the judiciary.

For example, in March 2019 Mr. **Reza Khandan**, Ms. **Nasrin Sotoudeh's** husband, stated that his wife waived her right to choose a lawyer for two reasons: first, because of the note to Article 48 of the Criminal Procedure Code;[10] and second, because in 2010, four of the six lawyers who had represented her were prosecuted and she did not want to cause any problems for her colleagues again.[11]

8 A wide range of offences are punishable by death in Iran, ranging from a number of sexual offences (e.g. fornication, adultery, sodomy, lesbianism, incest, rape) to drinking, theft, drug trafficking, murder, and certain other offences (e.g. apostasy and cursing the prophet), 'waging war' on people/God and 'corruption on earth' - offences that may extend from armed robbery to political opposition or espionage. A number of economic offences are also punishable by death. For an assessment of these offences in the Islamic Penal Code of 2013, see: FIDH & LDDHI report, *Death Penalty in Iran: A State Terror Policy – Special Update for 11th World Day against the Death Penalty*, October 10, 2013, https://www.fidh.org/en/region/asia/iran/death-penalty-in-iran-a-state-terror-policy-14075.

9 Article 6(2) of the ICCPR states that a "sentence of death may be imposed only for the most serious crimes." The expression "most serious crimes" has since been interpreted as meaning that capital punishment should not be imposed for crimes beyond intentional crimes with lethal or other extremely grave consequences. UN Human Rights Committee, *General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life,* UN Document CCPR/C/GC/36, October 30, 2018.

10 Center for Human Rights in Iran, *Iranian Lawyers: Judiciary's Mandatory List of Approved Counsel Sets "Dangerous Precedent*," March 14, 2018, https://iranhumanrights.org/2018/03/iranian-lawyers-judiciarys-mandatory-list-of-approved-counsel-sets-dangerous-precedent/.

11 Center for Human Rights in Iran, *Defying Unjust Court Process, Nasrin Sotoudeh Refuses to Appeal Prison Sentence,* March 19, 2019: https://iranhumanrights.org/2019/03/defying-unjust-court-process-nasrin-sotoudeh-refuses-to-appeal-prison-sentence/

Independence of lawyers in Iran

Lawyers in Iran continue to be subjected to undue interference and tight controls by the judiciary, and are unable to act to protect the interests of their profession when they are targeted.

Lawyers became independent from the judiciary in 1933, with the adoption of a law that created the Iranian Bar Association, which is responsible for granting lawyers their licences and overseeing the exercise of their profession (including through a disciplinary court that hears cases of lawyers accused of having violated the rules of the profession).[12]

However, over the past several decades, the independence of the Iranian Bar Association has been severely compromised. The Iranian Bar Association was closed one year after the 1979 Revolution and reopened only in 1988. The Bar Association's reopening in 1988 was conditional on a new requirement that any lawyer who wanted to apply to be a member of the Bar Association's Board of Directors be approved by the Disciplinary Court of Judges. Many eminent human rights lawyers, including Ms. **Nasrin Sotoudeh**, Mr. **Abdolfattah Soltani**, Ms. **Shirin Ebadi**, Ms. **Farideh Ghayrat**, Ms. **Giti Pourfazel**, Mr. **Mohammad Ali Dadkhah**, Mr. **Nasser Zarafshan**, Mr. **Ghasem Sholeh-Saadi** and Ms. **Maryam Kian-Erssi**, saw their application to the Board of Directors rejected.

In 1996, a law was passed to empower the Disciplinary Court of Judges to oversee the work of lawyers, effectively putting the judiciary in charge of the lawyers and discarding their independence.[13]

Since 2000, lawyers can obtain licenses either through the Iranian Bar Association or through the Centre for Legal Counsels, Lawyers, and Experts. The Centre for Legal Counsels, Lawyers, and Experts was established as a subsidiary of the judiciary with the aim of undercutting the Iranian Bar Association and to enable people with less reputable qualifications to act as legal counsel. In both cases, lawyers who vigorously defend the rights of their clients, including human rights defenders, can face retaliatory measures as the renewal of their licence is at the mercy of the judiciary.

The systematic denial of defendants' right to receiving proper legal representation, and the direct harassment and prosecution of lawyers for doing their job blatantly violate the UN Basic Principles on the Role of Lawyers, which state that governments shall ensure that "lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics." The Basic Principles further state that lawyers "shall not be identified with their clients or their clients' causes as a result of discharging their functions."

12 The Iranian Bar Association currently comprises 13 individual Bar Associations, including the Central Bar Association in Tehran.

13 The Disciplinary Court of Judges, as its names suggests, should be empowered to deal with offences and misconduct of judges. In contrast, under the Law for Independence of Lawyers (1954), the only body empowered to examine and investigate the offences and misconduct of lawyers related to their profession was the Disciplinary Court of Lawyers.

2.4 Right to a fair trial denied

The denial of the right to a fair trial is also the result of the general lack of due process in criminal proceedings before Islamic Revolution Courts, where trials of political cases and 'national security' cases are held.

The 1979 Constitution makes no mention of Islamic Revolution Courts within the structure of the judiciary. They were later included in the structure of the judiciary through an ordinary law. The establishment of Islamic Revolution Courts are provided for in Article 297 of the Criminal Procedure Code. They are separate from ordinary courts and operate independently from the overall justice system. Article 303 of the 2013 Criminal Procedure Code gives Islamic Revolution Courts jurisdiction over cases concerning: 1) crimes against national and international security; 2) insults against the Founder of the Islamic Republic of Iran and the Supreme Leader; 3) drug-related crimes; 4) gathering and collusion against the Islamic Republic of Iran or carrying weapons and rebellion; and 5) other offences under the jurisdiction of Islamic Revolution Courts provided for by other specific laws. The Islamic Revolution Courts are also notorious for delivering harsh verdicts and were responsible for the vast majority of death sentences imposed in the country before the anti-narcotics law was amended in October 2017.

The overwhelming majority of trials held before the Islamic Revolution Courts are not public and are adjudicated by a single judge. Information on the trials is disclosed at the entire discretion of the judiciary. In addition, many judges in Iran, in particular in Islamic Revolution Courts, are clerics who do not have any judicial qualifications and training and have been appointed by the Head of the judiciary to their positions based on their non-academic theological background. These elements are in direct violation of Article 14 of the ICCPR, which states that "everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law." Judges also have broad discretion to sentence the defendants based on an arbitrary provision known as "judge's knowledge," which judges frequently invoke even for handing down death sentences.

III. Judicial harassment of human rights defenders

Iran has a long history of repression against human rights defenders. Scores of human rights defenders were detained prior to, and during, 2018. Many of them are currently serving prison terms, including Mses. **Narges Mohammadi**, **Atena Daemi**, **Golrokh Ebrahimi Iraee**,[14] and **Sepideh Qoliyan** and Messrs. **Arash Sadeqi**, **Saeed Shirzad**, **Esmael Abdi**, **Mehdi Beheshti Langaroodi**, **Mohammad Habibi**, **Jafar Azimzadeh**, and **Esmael Bakhshi**.

Many were arrested in the aftermath of protests against the government's economic policies that began on December 28, 2017, in Mashhad, in northeast Iran, and subsequently spread to the rest of the country. They were met with unnecessary and disproportionate use of force by the authorities, which resulted in the deaths of at least 21 protesters, according to the authorities. There were also reports that at least seven protesters died in custody - three in Tehran's Evin prison and two each in Arak, Markazi Province, and Dezfoul, Khuzestan Province.

As the reasons why people took to the streets expanded, the movement began to feature protests against Iran's mandatory hijab laws [see above, *Section 2.2*]. Scores of women participated in the movement by standing on boxes and removing their headscarves in public. Many of the people who participated in these peaceful protests against the mandatory hijab laws were subsequently arrested, detained, and charged in various criminal cases. By late 2018, at least 112 women human rights defenders had been arrested or detained for opposing compulsory hijab laws.[15]

The Observatory, in collaboration with their member organisations for Iran, documented 28 cases of judicial harassment of human rights defenders, including 15 women human rights defenders, between January 2018 and June 2019. This figure reflects only some of the most prominent cases that have drawn international attention. This judicial harassment generally takes the form of arbitrary arrests, detentions, and secret trials on vague 'national security' charges, which are aimed at punishing human rights defenders for their peaceful and legitimate activities in defence of human rights.

14 Ms. Golrokh Ebrahimi Iraee was released on April 7, 2019, after serving her prison sentence of 30 months, but was subsequently sentenced, along with Atena Daemi, to three years and seven months in prison on charges of "spreading propaganda against the system" and "insulting the Supreme Leader" in July 2019. They have also been banned from "membership in social groups" for two years.

15 See Amnesty International Statement, *Iran's 'year of shame': More than 7,000 arrested in chilling crackdown on dissent during 2018*, January 24, 2019. https://www.amnesty.org/en/latest/news/2019/01/irans-year-of-shame-more-than-7000-arrested-in-chilling-crackdown-on-dissent-during-2018/

Human rights lawyer Nasrin Sotoudeh stands outside the Iran Bar Association during her daily sit-in protesting against the decision of the authorities to ban her from law practice in 2014, in Tehran, Iran.

The emblematic case of Nasrin Sotoudeh: Sentenced to prison for exercising and defending her right to exercise her profession independently

Ms. **Nasrin Sotoudeh**, a leading human rights lawyer and women's rights defender, is serving a five-year prison sentence issued under Articles 500, 510, and 600 of the Islamic Penal Code after opposing the death penalty and protesting restrictions on the legal profession.

The legal process that led to her five-year sentence was marred by procedural irregularities. Security forces arrested Ms. Sotoudeh at her home in Tehran on June 13, 2018, and transferred her to Evin prison. She was shown an arrest warrant and was told that she was being taken to serve a five-year prison sentence, which had been handed down against her *in absentia*. She was not shown the court ruling related to the sentence and had not been informed of the conviction or sentence before the arrest. Prior to her arrest, the Iranian judiciary had neither disclosed the procedure by which the sentence was issued and communicated, nor granted her the procedural right to appeal.

Ms. Sotoudeh is also facing a sentence of 33 years and six months in jail and 148 lashes on seven charges under national security Articles 499, 500, 610, 618, and 698 of the Islamic Penal Code and morality-based Articles 638 and 639 of the Islamic Penal Code. The charges stemmed from her work of defending women who peacefully protested against mandatory hijab laws.[16] The sentence was issued on February 19, 2019, following a one-day hearing held *in absentia* by Branch 28 of the Islamic Revolution Court in Tehran on December 30, 2018. Upon the exhaustion of domestic remedies, she will serve the jail sentences concurrently and, as a result, only the highest prison term (12 years) will be enforced.[17] While Ms. Sotoudeh decided not to appeal her conviction

16 The two other charges are under Article 639 ("encouraging people to commit immorality and prostitution"), and Article 638 ("appearing without the sharia-sanctioned hijab at the premises of the magistrate's office").
17 Under Article 134 of the Islamic Penal Code, defendants only serve the harshest sentence among all.

and jail sentence to denounce the lack of access to a fair trial in Iran, the spokesperson of the judiciary announced that her case would go to the Court of Appeals.

Ms. Sotoudeh has represented human rights defenders and opposition activists, prisoners sentenced to death for crimes committed when they were minors, as well as women's rights defenders. She has received numerous awards, including the Sakharov Prize in 2012 and the Ludovic-Trarieux International Human Rights Prize in 2018. On January 22, 2018, she co-signed, together with 154 other lawyers, a letter calling on the Head of the judiciary to stop restrictions on access to a legal counsel.[18] Her involvement in the defence of human rights has led her to face many criminal charges and prison terms. Prior to her current imprisonment, Ms. Sotoudeh served three years in prison between 2010 and 2013, a term that was reduced from an original six-year prison sentence.

3.1 Repression of women's rights defenders

Many human rights defenders, both male and female, have been targeted for their defence of women's rights and their support of the protests against mandatory hijab laws.

Since December 2017, scores of Iranian women have participated in protests against compulsory hijab laws, by standing on boxes and removing their headscarves in public. More than 30 of those who participated were subsequently arrested, detained, and prosecuted on various criminal charges, often combining 'morality' and 'national security' charges. While Article 638 of the Islamic Penal Code, which punishes women not wearing the Islamic hijab in public, only prescribes prison sentences ranging from 10 days to two months and/or a fine, Article 639 provides for punishments of one to 10 years for "encouraging people to commit immorality and prostitution." The combination of the two charges has been used to arrest, try, and sentence human rights lawyers who defended these women, such as Ms. Nasrin Sotoudeh [see above, *page 13*], to harsh prison terms. As mentioned above, under Article 134 of the Islamic Penal Code, judges have the power to issue a higher sentence when the defendant has committed more than three offences.

Ms. **Vida Movahed** was the first woman who removed her headscarf in a public protest on December 27, 2017. She was arrested on January 21, 2018, and detained until January 27, 2018. She was subsequently sentenced to a fine, the amount of which is not known. She was again arrested in November 2018 for a protest held on October 29, 2018, during which she removed her hijab and was subsequently detained in Shahr-e Rey prison, outside of Tehran. On March 2, 2019, Ms. Vida Movahed was sentenced by Branch 1091 of the Ershad Judicial Complex in Tehran to one year in prison for "encouraging people to commit immorality or prostitution" (Article 639 of the Islamic Penal Code). She was released under an amnesty on May 26, 2019.

Besides Ms. Nasrin Sotoudeh and Ms. Vida Movahed, many more women and men have been targeted for defending women's rights since the beginning of 2018. Among those targeted, the Observatory has been able to document at least 15 cases. As of the end of June 2019, eight of them were still detained (Mses. Yassman Aryani, Monireh Arabshahi, Mojgan Keshavarz, Maryam Azad, Mojgan Keshavarz, Saba Kord-Afshari, Maryam Mohammadi and Fereshteh Didani), while at least seven more were facing charges and/or prison terms (Mses. Najmeh Vahedi, Hoda Amid, Rezvaneh Mohammadi, Nahid Shaghaghi, Akram Nassirian and Messrs. Reza Khandan and Farhad Mayssami).

18 See http://damavand.news/?p=11939

A wave of arrests of women's rights defenders in September 2018

On September 1, 2018, Ms. **Hoda Amid**, a human rights lawyer and women's rights defender, was arrested at her home in Tehran. On the same day, another women's rights defender, Ms. **Najmeh Vahedi**, was arrested a few hours later. The two women are known for jointly organising educational workshops on topics related to marriage, women's rights, and the legal status of women in Iran. They have been involved in various campaigns for the defence of women's rights.

During their detention, they were held incommunicado in the Islamic Revolution Guard Corps (IRGC)-run Ward 2A of Tehran's Evin prison. Ms. Vahedi spent the first 10 days of her detention in solitary confinement. The authorities did not disclose the charges against the two women, who were also denied access to lawyers. While Ms. Vahedi was allowed one visit from her mother, Ms. Amid was denied family visits. Ms. Amid was released on bail on November 5, 2018, after spending more than two months in detention. Ms. Vahedi was released on bail on November 6, 2018. Both women are still facing unspecified charges.

On September 3, 2018, Ms. **Rezvaneh Mohammadi,** a student who promoted gender equality online and participated in gender equality workshops, was arrested. During a hearing held on February 17, 2019, Branch 28 of the Islamic Revolution Court in Tehran charged her under Article 610 of the Islamic Penal Code ("gathering and collusion against internal or external security") for allegedly "acting against national security" through "normalising same-sex relations" in a judicial process that is ongoing. Her lawyer was not allowed to defend her and was denied access to the court file. It was reported that prosecutors included Ms. Rezvaneh Mohammadi's participation in two conferences abroad on the subject of gender equality and her studies for her thesis about gender equality, as evidence against her.[19] She had previously been arrested in March 2018 by the morality police in Gorgan, Golestan Province, under Article 638 of the Islamic Penal Code for not wearing the Islamic hijab in public. She was kept in solitary confinement and interrogated for 26 days, before being released on bail on October 20, 2018.

On September 25, 2018, Ms. **Maryam Azad**, a women's rights defender and active gender equality advocate from the city of Shiraz, Fars Province, was arrested when she attempted to board a flight at Tehran International Airport bound for Turkey. Her fate and whereabouts are unknown as of the time of publication.

The repression of women's rights defenders continued in early 2019. On March 8, 2019, several women who had taken off their headscarves gave flowers to other women in underground trains in Tehran and spoke about the right to not wear the hijab. A month later, Ms. **Yassman Aryani**, a drama actress, and her mother, Ms. **Monireh Arabshahi**, were arrested on April 10 and 11, 2019, respectively. Both of them are detained in Shahr-e Rey prison outside Tehran. Both women were convicted by Branch 28 of the Islamic Revolution Court and sentenced to 16 years in prison, including one year for "spreading propaganda against the system" (Article 500 of the Islamic Penal Code), five years for "gathering and collusion against internal or external security" (Article 610), and 10 years for "encouraging people to commit immorality and/or prostitution" (Article 639). They were notified of the 16-year prison sentence on July 31, 2019, and will serve the sentences concurrently if the sentence is upheld on appeal. The two were not allowed to have a lawyer during the trial.

19 See Center for Human Rights in Iran, *Gender Equality Researcher Tried in Iran Under National Security Charge,* March 25, 2019, https://iranhumanrights.org/2019/03/gender-equality-researcher-tried-in-iran-under-national-security-charge/

Furthermore, in an attempt to suppress the protest movement, the police summoned a large number of women by means of text messages in late April 2019 and demanded they wear their hijab in public.

On April 25, 2019, Ms. **Mojgan Keshavarz** was arrested at her home and beaten in front of her daughter. She had appeared in video footage protesting against compulsory hijab laws in underground trains in Tehran on March 8, 2019. Her first place of detention is not known, but, on May 1, 2019, she was transferred to Qarchak prison. On June 26, 2019, she appeared before Branch 28 of the Islamic Revolution Court for a hearing which took place without the presence of her lawyer. The court charged her with "gathering and collusion against internal or external security" (Article 610 of the Islamic Penal Code), "spreading propaganda against the system" (Article 500), "encouraging people to commit immorality and/or prostitution" (Article 639), and "insulting the sanctities" (Article 513), and refused to release her on bail. She was notified of her conviction and 16-year prison sentence on July 31, 2019, which includes: five years under Article 610, one year under Article 500, and 10 years under Article 639. She will serve the prison terms concurrently, if the sentence is upheld on appeal.

On April 29, 2019, Ms. **Akram Nassirian**, a civil rights and women's rights defender, was arrested in Tehran. The reasons for her arrest are not known. Ms. Nassirian spent her detention in solitary confinement and was said to be facing charges of "spreading falsehoods with intent to disturb the public opinion" (Article 698 of the Islamic Penal Code) and "encouraging people to commit immorality and/or prostitution" (Article 639) by promoting non-observance of the compulsory hijab laws. Ms. Nassirian is a member of "*Neday-e Zanan-e Iran*" [Voice of Women of Iran] and of *Kanun-e Hamyari-ye Saylzadegan* [Association for Assistance to Flood Victims]. She was released on bail on May 26, 2019.

On May 15, 2019, Ms. **Nahid Shaghaghi**, another women's rights defender, was arrested at her home in Tehran and then detained at the Ministry of Intelligence's Ward 209 in Evin prison. The reasons for her arrest are not known. On March 7, 2019, she had delivered a speech on the roots of violence against women, during a meeting. Ms. Shaghaghi is a member of "*Neday-e Zanan-e Iran*" [Voice of Women of Iran]. She was released on bail on June 22, 2019, awaiting trial.

On June 1, 2019, Ms. **Saba Kord-Afshari** was arrested and was charged the following day with "encouraging people to commit immorality and/or prostitution" (Article 639 of the Islamic Penal Code) for removing her hijab and walking without hijab, "spreading propaganda against the system" (Article 500) and "gathering and collusion against internal or external security" (Article 610). She was sent to Qarchak prison near Tehran on June 11, 2019. She has been denied contacts with a lawyer and has been under pressure by the authorities to incriminate herself in a televised appearance. To put more pressure on her, the authorities detained her mother, Ms. Raheleh Ahmadi, from July 10 to 14, 2019, and released her on bail after purportedly charging her under Articles 500 ("spreading propaganda against the system"), 610 ("gathering and collusion against internal or external security")[20], and 639 ("encouraging people to commit immorality and/or prostitution") of the Islamic Penal Code.

She had previously been arrested on August 2, 2018 during popular protests against the spiralling prices of staple food and living costs and was sentenced by Branch 28 of the Islamic Revolution Court in Tehran to one year in prison for "disrupting order and comfort and calm of the general public or preventing people from work" (Article 618 of the Islamic Penal Code). She was released in February 2019.

On June 5, 2019, Ms. **Fereshteh Didani** was arrested for publishing video footage in which she appeared without a hijab in the Tehran Metro, called on women to remove their hijab, and

20 This charge is purportedly for having "collaborated with hostile media." The authorities have been using this accusation increasingly since the protests that followed the 2009 president election. Over the past decade, several individuals have been sentenced to prison terms from one to 11 years for allegedly "collaborating with hostile media."

supported the protesters detained for opposing compulsory hijab laws. Her place of detention and the charges against her remained unknown as of the time of publication of this report.

On July 8, 2019, Ms. **Maryam Mohammadi**, another member of "*Neday-e Zanan-e Iran*" [Voice of Women of Iran], was arrested at her home in the city of Garmsar, Semnan Province, by Ministry of Intelligence personnel. She is detained in Ward 209 in Evin prison. The reason for her arrest and the charges against her are not known as of the publication of this report. She is held in solitary confinement. She is known for teaching working women to read and write, opposing compulsory hijab laws, and denouncing violence against women and forced marriage of children.

Several men who expressed solidarity with women human rights defenders and denounced their repression were also intimidated, arrested, and prosecuted.

Reza Khandan: Targeted for defending women's rights defenders

Mr. **Reza Khandan**, Ms. Nasrin Sotoudeh's husband, has consistently raised concerns about human rights violations in Iran, the imprisonment of human rights defenders, and the prosecution of women who have campaigned against the compulsory hijab laws, mainly through Facebook posts and sit-in protests. He was arrested by agents of the Ministry of Intelligence on September 4, 2018, at his home in Tehran and subsequently taken to Branch 7 of the Prosecutor's Office in Evin prison. He was detained on charges of "gathering and collusion against internal or external security" (Article 610), "spreading propaganda against the system" (Article 500), and "propagating and promoting disregard for hijab in the society" (Article 639). The Prosecutor's Office ordered him to deposit a seven billion Rial (approximately 55,000 Euros) bail. Mr. Khandan refused to pay the bail, maintaining that he had not committed any offences.

On December 23, 2018, he was provisionally released on a 'personal guarantee', a type of bail under which another person guarantees that the defendant will appear in court, when ordered. This followed a court hearing that was attended by Mr. Khandan on December 19, 2018, at Branch 15 of the Islamic Revolution Court in Tehran. During the hearing, the Court agreed to change the conditions for Mr. Khandan's release from financial bail to a personal guarantee.

On January 22, 2019, Mr. Khandan's lawyer was notified that Branch 15 of the Islamic Revolution Court in Tehran had sentenced his client to six years in prison under Articles 500 and 610 of the Islamic Penal Code. He was also banned from "membership in social and political groups and parties, and undertaking activities in cyberspace, the media, and the press" and from traveling abroad for two years. Mr. Khandan appealed the court's decision and remains free pending his appeal.[21]

21 See Observatory for the Protection of Human Rights Defenders, *Iran: Sentencing of Mr. Reza Khandan,* January 28, 2019, https://www.fidh.org/en/issues/human-rights-defenders/iran-sentencing-of-mr-reza-khandan.

Farhad Mayssami: Prosecuted under 'national security' charges for defending women's rights

Mr. **Farhad Mayssami** (a.k.a Farhad Meysami) is a medical doctor who has campaigned for women's rights, including against the imposition of the hijab on women and girls, and in favour of the right of women to choose their own clothing. He was arrested at his office in Tehran on July 31, 2018, following an order of the Prosecutor's Office Branch 2. He was taken to the Intelligence Ministry-run Ward 209 in Tehran's Evin prison. Mr. Mayssami was arrested for being in possession of copies of two books - "Small Acts of Resistance" by Steve Crawshaw and John Jackson, and a book on human rights translated by Mohammad Jafar Pouyandeh, a translator and writer assassinated by Ministry of Intelligence agents in 1998 - and a number of badges reading "I am opposed to forced hijab." He was detained on charges of "gathering and collusion against internal or external security" (Article 610 of the Islamic Penal Code), "spreading propaganda against the system" (Article 500) and "spreading prostitution" (Article 286). Mr. Mayssami was denied access to a lawyer of his choosing, namely Mr. Arash Kaykhosravi (who was later arrested in front of Parliament on August 18, 2018).[22]

On August 1, 2018, Mr. Mayssami started a hunger strike to protest against his detention and called for the unconditional release of fellow human rights defenders Ms. Nasrin Sotoudeh and Mr. Reza Khandan. He was placed in solitary confinement for 20 days before being transferred to a dormitory ward in Section 4 of Evin prison. His health rapidly deteriorated and he lost 34 kg. On September 26, 2018, he was forcibly transferred to the Evin prison clinic, and subsequently placed again in solitary confinement and administered intravenous fluids against his will. Following Mr. Khandan's release on bail on December 23, 2018, Mr. Farhad Mayssami ended his hunger strike.

On November 29, 2018, five UN Special Procedures' mandate holders called on Iran to "guarantee the rights of human rights defenders and lawyers who have been jailed for publicly supporting protests against the mandatory wearing of the hijab" and expressed their particular concern over the critical health of Mr. Mayssami.[23]

On January 22, 2019, Mr. Mayssami's lawyer was notified that Branch 15 of the Islamic Revolution Court in Tehran had sentenced his client to six years in prison - five years for "gathering and collusion against internal or external security" (Article 610 of the Islamic Penal Code) and one year for "spreading propaganda against the system" (Article 500). He was also banned from "membership in social and political groups and parties, undertaking activities in cyberspace, the media and the press", and from traveling abroad for two years. Mr. Mayssami appealed the court's decision. As of June 2019, he remained detained in Evin prison.

These cases indicate a pattern of increased repression of individuals – men and women alike – who advocate for greater freedoms and rights for women, particularly in relation to the compulsory hijab laws. This judicial harassment amounts to a serious violation of the right to freedom of expression of these individuals, and seems aimed at creating a chilling effect that discourages others from participating in similar types of activities in defence of women's rights.

22 See below, Section 3.2.2.

23 See Joint Statement by UN Special Rapporteur on the Situation of Human Rights Defenders; Special Rapporteur on the Independence of Judges and Lawyers; Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair of the Working Group on the issue of discrimination against women in law and in practice; and Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, November 29, 2018: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23947&LangID=E

3.2 Judicial harassment of lawyers

Iran has a documented history of harassing and jailing lawyers who take up politically sensitive cases, denounce lack of access to a fair trial, and promote human rights. This trend has worsened since the wave of nationwide anti-government protests in late 2017. Since then, at least 13 human rights lawyers have been arbitrarily arrested or targeted for taking up human rights cases and representing other prosecuted human rights lawyers. Although some have since been released on bail, following an amnesty, or are free pending appeal, others have been tried and sentenced to jail terms under 'national security' charges. Other human rights lawyers have been targeted because of their criticism of the judiciary, including the judiciary's treatment of lawyers and their clients.

3.2.1 At least five human rights lawyers still detained

At the time of publication of this report, five human rights lawyers were behind bars: Ms. **Nasrin Sotoudeh**, Ms. **Zeinab Taheri**, Mr. **Mohammad Najafi**, Mr. **Amir Salar Davoodi**, and Mr. **Massood Shamsnejad**.

On June 19, 2018, Ms. **Zeinab Taheri** was arrested for "disrupting [public] order" (Article 510 of the Islamic Penal Code), "spreading propaganda against the system" (Article 500) and "spreading falsehoods with intent to disturb the public opinion" (Article 698), after she used Twitter to criticise the unfair proceedings against one of her clients.[24] During a press conference in June 2019, the Tehran Prosecutor said that Ms. Taheri had "incited the public opinion and mobilised counter-revolution against the judiciary." She was released on bail in late July 2018 and re-arrested by the Intelligence Unit of the Islamic Revolutionary Guard Corps on March 11, 2019. The reasons for her re-arrest, the charges she is facing, and her place of detention were not known as of the date of publication of this report.

Mr. **Mohammad Najafi** has been targeted in at least four different instances for taking up sensitive cases or defending the right to a fair trial. On July 26, 2018, he was sentenced under Articles 618 ("disrupting order and comfort and calm of the general public or preventing people from work") and 698 of the Islamic Penal Code ("spreading falsehoods with intent to disturb the public opinion") for taking up the case of the death of a protester in police custody in January 2018 in Arak, Markazi Province. Arrested most recently on April 1, 2019, he is currently serving a 10-year prison term [See below, *page 23*].

On November 20, 2018, Mr. **Amir Salar Davoodi** was arrested in his office and some of his work documents were confiscated. Mr. Amir Salar Davoodi represented political prisoners and defendants belonging to religious and ethnic minorities. On April 16, 2019, Branch 2 of the Prosecutor's Office in Tehran's Evin prison issued an indictment against him on charges of "cooperating with hostile foreign States against the Islamic Republic of Iran" (Article 508 of the Islamic Penal Code) and "establishing a group that aims to disrupt national security" (Article 498). On June 1, 2019, he was informed that Branch 15 of the Islamic Revolution Court in Tehran had sentenced him to a total of 30 years in prison (two prison terms of 15 years to be served concurrently), 111 lashes, a fine of 60 million Rials (1,278 Euros), and deprived

24 "*In an illegal show, with total disregard for the right of defence and Criminal Procedure Code, Mohammad Solass has been sentenced by the court of first instance for three premeditated murders on alleged unproved charges. One branch of the Supreme Court has upheld the sentence without examining it! Meanwhile, we didn't even have the time for a visitation, to collect evidence and present a defence bill to the Supreme Court and the defendant Mohammad Solass was being held in solitary confinement in the worst possible conditions.*", Ms. Zeinab Taheri's Twitter account, May 15, 2018.

him of his social rights[25] for two years for "cooperating with hostile foreign States against the Islamic Republic of Iran" (Article 508 of the Islamic Penal Code), "establishing a group that aims to disrupt national security" (Article 498), "insulting the Supreme Leader" (Article 514) and "spreading propaganda against the system" (Article 500). The second charge stems from Mr. Davoodi's creation of a Telegram chat group called "withoutretouch", which he used to report news and events regarding lawyers and the Iran Bar Association and to share his personal opinions on other issues, including objections to the detention of lawyers, as well as occasional statements critical of the actions of the Supreme Leader and the former Head of the judiciary. He received the harshest prison sentence – which the judge increased to 15 years using his power under Article 134 of the Islamic Penal Code - under this charge. Mr. Davoodi has decided not to appeal the sentence to denounce the denial of the right to a fair trial in Iran and his sentence has been finalised by the Court.

On January 8, 2019, Mr. **Massood Shamsnejad**, a university professor and lawyer who represented several Iranian Kurdish political prisoners, was arrested for "spreading propaganda against the system" (Article 500 of the Islamic Penal Code) and "membership in a group [a Kurdish opposition party] that aims to disrupt national security" (under Article 499), during the trial of one of his clients in Urmia, West Azerbaijan Province. He was then taken to the Intelligence Department's detention centre in Urmia. Security agents subsequently searched his house and office, and seized some of his documents. On February 10, 2019, Mr. Shamsnejad was notified of a prison sentence of six years and four months under the above mentioned charges, imposed by Branch 3 of the Islamic Revolution Court in Urmia. It is not yet known whether he will appeal. Mr. Massood Shamsnejad was previously imprisoned from October 19, 2014, to January 12, 2015, after being sentenced to four months in prison for "spreading propaganda against the system" (Article 500 of the Islamic Penal Code).

3.2.2 At least eight lawyers facing imminent risks of re-arrest

While at least five human rights lawyers are in jail, many others are still facing imminent re-arrest and prison terms following release on bail or pending trial. The Observatory has documented eight cases of human rights lawyers at risk of re-arrest.

Payam Derafshan and Farrokh Forouzan-Kermani: Targeted for their support for fellow human rights lawyers

On August 31, 2018, Messrs. **Farrokh Forouzan-Kermani** and **Payam Derafshan**, two human rights lawyers, were arrested in the city of Karaj, west of Tehran, while visiting the family of detained fellow human rights lawyer Mr. **Arash Kaykhosravi**. Mr. Derafshan is known for being the lawyer of several persecuted human rights lawyers, including Mr. Kaykhosravi and Ms. Nasrin Sotoudeh. At the time, the authorities did not provide the reasons for their arrests. However, both were subsequently charged with "insulting public officials" (Article 609 of the Islamic Penal Code) and on September 8, 2018, were released on bail amounting to 1.1 billion Rials (around 23,000 Euros) for Mr. Derafshan and 1.2 billion Rials (around 25,000 Euros) for Mr. Forouzan-Kermani. Charges against them are still pending.

25 Article 26 of the Islamic Penal Code defines "social rights" as: 1) standing in all elections; 2) being a member of the Guardian Council and Expediency Discernment Council or the Cabinet and being appointed as the Deputy of the President; 3) taking higher posts in the judiciary; 4) being elected to associations and parties; 5) being editor or director of any media; 6) taking any government posts; 7) being employed in any government institution; 8) working as a lawyer or public notary; 9) being elected as a guardian, trustee, administrator, overseer, or operator of public endowments; 10) being elected as an arbitrator and expert in official bodies; 11) using State medals and medallions and honorary titles; 12) establishing, managing, or being a member of the board of directors of governmental, cooperative, and private companies or registering a commercial name or an educational, research, cultural or scientific institute.

Lawyers targeted for criticising the judiciary and exposing violations of the right to a fair trial

On July 26, 2018, Mr. **Mostafa Tork-Hamedani** was summoned for questioning for tweets[26] he posted regarding the death in custody of university professor and environmental activist Mr. Kayous Seyed-Emami,[27] and for criticising the judiciary's decision to bar him and other lawyers from defending environmental activists. In another case, he was sentenced by Branch 1060 of the Criminal Court of Tehran, to 10 months in prison and 40 lashes on charges of "falsely accusing someone of an offence" (Article 697 of the Islamic Penal Code) for publishing the non-finalised sentence against former Tehran prosecutor Mr. Saeed Mortazavi in an interview with a news agency.[28] On January 15, 2019, he was informed that the Court of Appeals had reduced the prison sentence to six months and suspended the 40 lashes for a period of one year. Mr. Tork-Hamedani was released in an amnesty on February 14, 2019, 11 days after he entered Tehran's Evin prison to serve his prison sentence.

On July 10, 2018, Mr. Hossein Ahmadi-Niaz was summoned for questioning by Branch 4 of the Islamic Revolution Court in Sanandaj, Kurdistan Province, after signing an open letter that criticised the Head of the judiciary for barring thousands of lawyers from being able to represent defendants in 'national security' cases.[29] Mr. Ahmadi-Niaz was not detained following the questioning, but it is not known if any charges have been brought against him.

Lawyers targeted for defending members of religious and ethnic minorities

On July 8, 2018, Mr. **Mostafa Daneshju**, who defended numerous Gonabadi Dervishes and is a Dervish himself, was arrested. On December 7, 2018, he was sentenced to eight years in prison: five years for "gathering and collusion against internal or external security" (Article 610 of the Islamic Penal Code); two years for "spreading falsehoods with intent to disturb the public opinion" (Article 698); and one year for "spreading propaganda against the system" (Article 500). On March 7, 2019, he was released on bail and he remains free pending the outcome of his appeal.

On January 4, 2019, Mr. **Farhad Mohammadi**, a Kurdish human rights lawyer and environmental activist, was arrested in Sanandaj, Kurdistan Province. He was detained in solitary confinement at the detention centre of the Intelligence Department in Sanandaj until May 25, 2019, and was pressured into making self-incriminating "confessions." It is not clear what charges Mr. Mohammadi is facing. He was transferred to Sanandaj prison on May 25, 2019. On July 9, he was released on bail pending trial.

Lawyers targeted for exercising their rights to freedom of expression and peaceful assembly

On August 18, 2018, Messrs. **Ghasem Sholeh-Saadi** and **Arash Kaykhosravi** were arrested in front of Parliament in Tehran for taking part in a gathering to protest against the Guardian Council of the Constitution's full control over election processes and its vetting of candidates, and for calling for free, fair, and transparent elections at all levels. They were subsequently

26 See: https://twitter.com/mostafaMTH/status/997063688006848512.

27 Mr. Kayous Seyed-Emami, a dual Iranian-Canadian national, was an environmental activist and coordinator of the Persian Wildlife Heritage Foundation. He was arrested in January 2018 with at least eight other environmental activists. He allegedly committed suicide on February 8, 2018, while in custody of the IRGC. His family, environmental activists, and lawyers have rejected this explanation and called for an independent investigation into his death.

28 Mr. Mostafa Tork-Hamedani was prosecuted based on a complaint brought by Mr. Saeed Mortazavi, who alleged Mr. Hamedani had made public accusations against him before Mortazavi was convicted in a case involving financial corruption during the period Mortazavi headed Iran's Social Security Organisation in 2011-2013. Mr. Hamedani gave an interview to media, in which he did not mention Mr. Mortazavi's name, and published on Instagram that Mortazavi was sentenced "to only 70 lashes" after being convicted of embezzling nearly 350,000 US Dollars from State funds.

29 The letter was co-signed by 155 lawyers and published on January 22, 2018. It called on the Head of the judiciary to stop restrictions against access to a legal counsel.

released on bail on December 4 and 11, 2018, respectively. On December 10, 2018, they were sentenced to six years in prison under Articles 500 and 610 of the Islamic Penal Code. The two remain free pending the outcome of their appeal.

3.3 Constant violations of the right to a fair trial

Human rights defenders, including lawyers, targeted during the 2018-2019 crackdown faced numerous violations of their right to a fair trial, which is guaranteed by Articles 9 and 14 of the ICCPR. In many cases, Iranian authorities failed to provide the reasons for the arrest and/or to disclose the charges under which they were being prosecuted. Such were the circumstances involving the cases of Mses. **Hoda Amid**, **Najmeh Vahedi**, **Maryam Azad**, and **Rezvaneh Mohammadi**, and Messrs. **Mostafa Daneshju**, **Payam Derafshan**, **Farrokh Forouzam-Kermani**, and **Farhad Mohammadi**. It is common that defendants only learn the nature of charges against them when they appear for trial.

The authorities' denial of legal representation was also common in cases of detained human rights defenders. Human rights defenders who were denied that right included Mr. **Massood Shamsnejad** and Mses. **Hoda Amid**, **Najmeh Vahedi**, and **Maryam Azad**.

Judicial authorities also denied many detainees facing 'national security' charges, such as Ms. **Nasrin Sotoudeh** and Mr. **Farhad Mayssami**, access to a lawyer of their choice, particularly during the investigation process, pursuant to the Note to Article 48 of the Criminal Procedure Code [see above, *Section 2.3*].

After being denied legal representation for months, some detainees were told to choose their lawyer from a list approved by the Head of the judiciary. Other detainees were told to send a request for approval of their lawyers to the Head of the judiciary, and, in most cases, prominent human rights lawyers were not approved, or were approved too late, after their clients had already been coerced to confess under pressure during the investigation period.

Although judicial officials maintain that defendants facing 'national security' charges are forced to choose their legal representation from the list of pre-approved lawyers only during the investigation phase, it has also been reported that several lawyers were prevented from representing people accused of 'national security' crimes at all stages of the legal process. For example, during his trial on January 29, 2019, Mr. **Massood Shamsnejad** was denied the right to have a lawyer. On February 17, 2019, during the first hearing of her trial, Ms. **Rezvaneh Mohammadi**'s lawyer was not allowed to defend her and was denied access to the court files.

Finally, in politically sensitive cases, Iranian courts often deny defendants written copies of their verdicts. Instead, they are only allowed to see the verdict and take handwritten notes of it in the presence of a court official.[30] For example, Ms. **Nasrin Sotoudeh** was only allowed to see the February 19, 2019 verdict against her and take handwritten notes of its content on March 16, 2019.

30 This is done in accordance with Note 2 to Article 380 of the Code of Criminal Procedure, which applies to alleged crimes against internal and external security.

3.4 Widespread abuse of 'national security' charges

Authorities have routinely criminalised human rights defenders by using 'national security' legislation [see above, *Section 2.2*]. The extensive prosecution of human rights defenders under such 'national security' provisions allows the authorities to deny them their right to legal counsel, in breach of international fair trial standards. Human rights defenders' rights to freedoms of opinion, expression, and peaceful assembly are also severely undermined by the use of such 'national security' provisions, which are in breach of Articles 19 and 21 of the ICCPR.

Ms. Nasrin Sotoudeh's husband, Mr. **Reza Khandan**, fellow women's rights defender Mr. **Farhad Mayssami,** and prominent human rights lawyer Mr. **Abdolfattah Soltani** (released in November 2018) were all sentenced on charges under Articles 500 and 610 (respectively "spreading propaganda against the system" and "gathering and collusion against internal or external security") of the Islamic Penal Code. Mr. **Massood Shamsnejad** was sentenced under Articles 499 and 500. Messrs. **Arash Kaykhosravi** and **Ghasem Soleh-Saadi** were charged under Article 610, while Mr. **Amir Salar Davoodi** was sentenced on charges under Articles 498, 500, 508, and 514. Ms. **Zeinab Taheri** was arrested on June 19, 2018, on charges under Articles 500 and 698 [see above, *Section 3.2.1*].

Mr. Kaykhosravi's lawyer, Mr. **Payam Derafshan**, reported that the Prosecutor upped the charge against his client from "disruption of public order" to "gathering and collusion against internal or external security" even though the new charge was unrelated to the act Mr. Kaykhosravi committed – i.e. attending a peaceful public gathering that did not harm national security.[31]

Mohammad Najafi: Lawyers' freedom of expression in danger

Mr. Mohammad Najafi is a human rights lawyer who was subjected to constant judicial harassment and arrests in 2018 and 2019. He has been arrested several times since 2009, in particular for: defending activists and human rights defenders; taking part in protests in the city of Arak, Markazi Province in January 2018; writing open letters to the authorities including to the Supreme Leader; exposing some acts of torture he suffered in detention; and encouraging victims to report cases of torture. He is facing at least four cases in relation to the exercise of the legal profession and the exercise of his right to freedom of opinion and expression.

On July 26, 2018, the Criminal Court Branch 102 in Arak sentenced Mr. Najafi to a total of three years in prison and 74 lashes under Articles 618 and 698 of the Islamic Penal Code.

On October 3, 2018, the Court of Appeals in Markazi Province upheld his conviction and prison sentence, and on October 26, 2018, Mr. Najafi was detained to serve his prison term. The charges were related to Mr. Najafi's acting as a defence lawyer in the case of the death of a protester in police custody in January 2018 in Arak.

In a separate case, on November 26, 2018, Mr. Najafi was sentenced to a total of 13 years in prison by Branch 1 of the Islamic Revolution Court in Arak: two years for "spreading propaganda against the system" (Article 500); one year for "insulting the Supreme Leader" (Article 514); and 10 years for "cooperating with hostile foreign States against the Islamic Republic of Iran" (Article 508). The charges were related to interviews he gave to *Voice of America*, *Radio Farda*, and *BBC Persian Service*. The Court of Appeals in Arak subsequently upheld his conviction and prison sentence. Given that Article 134 of the Islamic Penal Code provides that prison sentences should be served concurrently, Mr. Najafi would thus serve a maximum of 10 years in this specific case.

31 See Center for Human Rights in Iran, September 5, 2018: https://iranhumanrights.org/2018/09/irans-assault-on-legal-profession-intensifies-with-three-more-attorneys-arrested/

On January 22, 2019, in a third case, Branch 102 of the Criminal Court in Shazand, Markazi Province, sentenced Mr. Najafi to two years in prison and a fine of 40 million Rials (approximately 300 Euros) on charges of "spreading falsehoods with intent to disturb the public opinion" (Article 698 of the Islamic Penal Code) for publishing a critically worded letter to the Supreme Leader on his Instagram page. On June 26, 2019, it was reported that the Court of Appeals of Markazi Province upheld the sentence. Mr. Najafi was notified of the Court of Appeals' decision in prison. While he had been summoned to the Court of Appeals hearing, he declined to go in solidarity with his lawyers, who had collectively resigned to protest insults they had received from the judicial authorities.

Mr. Mohammad Najafi was released from prison on March 28, 2019, under an amnesty for the three-year prison sentence handed down on October 3, 2018. Four days later, on April 1, 2019, he was again arrested, to serve his 10-year sentence handed down in November 2018.

3.5 Harsh prison sentences and ban on future activities

Human rights defenders and lawyers who have been convicted and sentenced have often faced harsh prison sentences. In some cases, they have also been sentenced to receive lashes. Prison sentences imposed against human rights defenders in 2018 and 2019 have become harsher, up to 15 years in prison for a single charge.

For example, on December 10, 2018, Branch 15 of the Islamic Revolution Court of Tehran sentenced Messrs. **Ghasem Sholeh-Saadi** and **Arash Kaykhosravi** to six years in prison: five years on charges of "gathering and collusion against internal or external security" (Article 610 of the Islamic Penal Code) and one year on charges of "spreading propaganda against the system" (Article 500 of the Islamic Penal Code).

Similarly, on December 7, 2018, Branch 28 of the Islamic Revolution Court sentenced Mr. **Mostafa Daneshju** to eight years in prison: five years for "gathering and collusion against internal or external security" (Article 610 of the Islamic Penal Code); two years on charges of "spreading falsehoods with intent to disturb the public opinion" (Article 698 of the Islamic Penal Code); and one year under Article 500 of the Islamic Penal Code.

In some cases, the prison sentence included blanket prohibitions of future activities related to their professional, social or political life, such as bans on membership in certain groups, bans on international travel, and restrictions on freedom of expression. These curbs were almost always linked to the activities that caused the judicial harassment and were seemingly aimed at restricting the defenders' human rights work.

For instance, on January 22, 2019, Branch 15 of the Islamic Revolution Court in Tehran sentenced Messrs. **Reza Khandan** and **Farhad Mayssami** to six years in prison and banned them from "membership in social and political groups and parties, undertaking activities in cyberspace, the media and the press" and from travelling abroad for two years.

For many lawyers, these restrictions included bans on practising their profession. Mr. **Abdolfattah Soltani**, who was sentenced to 13 years in prison on June 10, 2012, was also handed down a 10-year ban on practising law, although the ban was later reduced to two years. Mr. Soltani was conditionally released on November 21, 2018, after serving more than seven years of prison, but remains barred from practising law, as the two-year ban's enforcement started from the date of his release.[32] In 2011, Ms. **Nasrin Sotoudeh** was also banned from practising law.

32 Article 58 of the Islamic Penal Code provides for conditional release for convicts who have been sentenced to more than 10 years' imprisonment after serving half of the sentence and in other cases after serving one-third. Conditions for release include: a) constant good behaviour while in custody; b) confidence that the convict will not commit an offence after release; c) confirmation by the court that the convict has compensated or arranged to pay for any losses or damages contained in the judgement or otherwise agreed upon; and d) the convict has not previously benefited from conditional release.

3.6 Detention conditions far below international standards

An Iranian inmate peers from behind a wall as a guard walks by at the female section of the infamous Evin jail, north of Tehran, June 13, 2006.
AFP PHOTO/ATTA KENARE

Prison conditions in Iran are below international standards. Hunger strikes by prisoners to protest their treatment in custody are common and there have been reports of prisoners who died as a result of being denied medical treatment or who committed suicide because of particularly harsh conditions, including solitary confinement and torture. Prison authorities have often refused to provide medical treatment for injuries that prisoners suffered at the hand of prison authorities. Tehran's Evin prison, and particularly its quarantine ward, is seriously overcrowded and is known for its especially unhygienic conditions.

There are at least four sections in Evin prison with solitary cells in which artificial light is on 24 hours a day. Ward 240, which is run by the Prisons Organisation, has more than 300 solitary confinement cells, which are used to detain both political prisoners and common criminals. Ward 241, which is run by the judiciary's Intelligence Protection Unit, also has solitary cells, where human rights defenders may be detained, and a dormitory section. Human rights lawyer Mr. **Amir Salar Davoodi** spent more than six months in solitary confinement in Ward 241. The dormitory section of Ward 241 is used to detain a number of former top government officials, mostly convicted for corruption, who spend their prison terms in conditions that are much more comfortable than those in ordinary prison wards. Ward 209, which is run by the Ministry of Intelligence, has more than 100 cells. Detainees held there are generally political activists or human rights defenders. Ms. **Nasrin Sotoudeh** spent some time in Ward 209 during her previous prison term from 2010 to 2013. Finally, Ward 2A, which is run by the Intelligence Unit of the IRGC, is by far the most secretive place of detention. Human rights defenders, who are viewed as strong critics of the Supreme Leader or considered to pose a serious danger to national security, are detained incommunicado for long periods in Ward 2A.

Human rights defenders jailed in Iran generally face harsher detention conditions than common criminals. They may face a higher risk of torture or other forms of ill-treatment, particularly when detained incommunicado. They are kept for extended periods of time in solitary confinement, are deprived of essential medical care, and are frequently denied visits by their family or lawyer.

3.6.1 Incommunicado detention exposing defenders to higher risk of torture and ill-treatment

Several women human rights defenders arrested in the context of the protests against mandatory hijab laws or for their defence of women's rights were detained incommunicado in the first days of their detention, without any contact with family, friends, lawyers or medical doctors. This practice violates fair trial standards and exposes detainees to the risk of torture or cruel, inhuman or degrading treatment.

For example, Mses. **Hoda Amid** and **Najmeh Vahedi** were both held incommunicado in the IRGC-run Ward 2A of Tehran's Evin prison during most of their detention. Ms. Vahedi was also detained in solitary confinement for 10 days. Similarly, Ms. **Rezvaneh Mohammadi** was detained incommunicado in the Intelligence Ministry-run Ward 209 in Evin prison, while Ms. **Maryam Azad** is also believed to be detained incommunicado in Ward 2A of Evin prison since September 25, 2018.

Ms. **Zeinab Taheri** was detained incommunicado in Qarchak women's prison in Shahr-e Rey, southern Tehran, where she was subjected to ill-treatment as a result of which she was subsequently transferred to a hospital.

3.6.2 Denial of visits

Like denial of lawyer visits, denial of family visits has been sometimes used as an arbitrary form of punishment of detainees, including human rights defenders. For example, on September 16, 2018, Ms. **Nasrin Sotoudeh** was informed that she would be denied her family visitation rights if she and her female visitors - including her daughter - did not wear a full hijab. After Ms. Sotoudeh refused to comply with these conditions, she was denied the right to see her daughter, first on September 17, 2018, and on various occasions after that.

3.6.3 Solitary confinement

At the beginning of their detention, most, if not all, human rights defenders were placed in solitary confinement for prolonged periods of time, in breach of the UN Standard Minimum Rules for the Treatment of Prisoners (the 'Nelson Mandela Rules') and the UN Rules of the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the 'Bangkok Rules'). This practice is used to break the individuals' morale and to force them to cooperate with the authorities in order to obtain confessions.

For example, Mr. **Mostafa Daneshju** spent 45 consecutive days in solitary confinement in the Intelligence Ministry-run Ward 209 in Tehran's Evin prison after his arrest on July 8, 2018.

Similarly, Mr. **Amir Salar Davoodi** was detained in solitary confinement in Evin prison from his arrest on November 20, 2018 until June 3, 2019, when he was transferred to a dormitory ward in Evin prison. During this period, he was not allowed to receive any visits except a visit from his parents on January 21, 2019, and was not allowed to consult with either his lawyer or the prison doctor.

On May 21, 2019, the Kurdistan Human Rights Network reported that Mr. **Farhad Mohammadi** had been in solitary confinement since his detention on January 4, 2019 and had only received one short visit from his family in the presence of the interrogators. Interrogators told him that he would neither be moved out of solitary confinement nor receive visits from his family so long as he did not incriminate himself.

"Solitary confinement is a psychological torture intended to exert pressure on the defendant, against the law, the *sharia*, human rights, and moral and human standards. [...] We call on all domestic and international human rights bodies to take effective and immediate actions to dismantle solitary confinement as an instrument for suppression of the civil society and torturing its activists", said both Mr. **Abdolfattah Soltani** and Ms. **Narges Mohammadi** to *Deutsche Welle Persian Service* on June 3, 2018.

3.6.4 Denial of adequate medical care

Denial of medical care is common for human rights defenders held on politically motivated charges, in breach of the 'Nelson Mandela Rules' and the 'Bangkok Rules.'

For instance, Ms. **Narges Mohammadi**, Spokesperson and Vice-President of the Defenders of Human Rights Center (DHRC), who is serving a 16-year prison sentence in Evin prison, suffers from several very serious health conditions, including a pulmonary embolism and a neurological disorder that results in her partial paralysis. Her health condition is exacerbated by the authorities' refusal to allow her adequate medical care in or out of prison. She was transferred to Tehran's Mehr hospital for a medical examination on April 27, 2019, and was returned to the prison on the same day. On May 14, 2019, she was sent to a hospital again, where she underwent a hysterectomy, but she was returned to the prison on May 26, before she had fully recovered from the surgery. On June 2, 2019, she was reported to have contracted an infection as a result of lack of adequate post-surgery care.

Mr. **Mostafa Daneshju**, who suffers from cardiac problems and asthma, was denied proper medical care by the authorities until his release on bail. On July 21, 2018, Mr. Daneshju was taken to Tehran's Taleqani hospital and returned to prison without receiving care for his cardiac problems and asthma. On January 13, 2019, he was taken to Tehran's Baqiyatullah hospital and returned to prison again, without receiving care. Mr. Daneshju's lawyer reported on January 22, 2019, that 50% of his lungs were no longer functioning, but the authorities refused to send him to hospital for treatment.

Hunger strikes

Several human rights defenders, such as Mr. **Farhad Mayssami**, Mr. **Abdolfattah Soltani**, Ms. **Zeinab Taheri**, and Ms. **Nasrin Sotoudeh**, repeatedly undertook hunger strikes to denounce their detention conditions and demand the release of fellow detained defenders. During their hunger strikes, they were all systematically denied appropriate medical care.

For instance, Mr. Mayssami undertook a hunger strike on August 1, 2018, to protest against his detention and called for the unconditional release of Ms. Sotoudeh and Mr. Reza Khandan. His health deteriorated rapidly and he lost 34 kg. On September 26, 2018, he was forcibly transferred to the Evin prison clinic and administered intravenous fluids against his will. Following Mr. Khandan's release on bail on December 23, 2018, Mr. Mayssami ended his five-month hunger strike.

In mid-August 2018, while detained in Evin prison, Ms. Nasrin Sotoudeh announced: *"I see no other option but to start a hunger strike from August 23. It is the only way I can express my protest against the continued pressure on my family and friends."*[33]

Ms. **Narges Mohammadi** undertook a three-day hunger strike on January 14, 2019, to protest the Evin prison's authorities repeated denial of specialised medical care.

3.7 Retaliation against families of human rights defenders

Families of human rights defenders who are in prison are also often targeted by the Iranian authorities. In some cases, when authorities seek to arrest a specific defender but that person is out of the country, they would arrest family members instead. For example, Ms. Noushin Ebadi, a medical lecturer at the Azad University of Tehran and the sister of Nobel Peace Laureate Ms. Shirin Ebadi, was arrested on December 28, 2009, and held for almost three weeks, in an apparent attempt to put pressure on Shirin Ebadi, who was in Spain, to stop speaking out about human rights violations in Iran. Similarly, Ms. Nasrin Sotoudeh's two children and her sister were detained for a few hours in August 2011, and her sister's house was raided and searched in August 2018.

When a defender is arrested, close family and friends may also be at risk of arrest, as was the case for Mr. Reza Khandan and Mr. Farhad Mayssami, respectively Ms. Nasrin Sotoudeh's husband and friend [see above, *pages 17 and 18*]. Ms. Sotoudeh's 13-year-old daughter was subjected to travel bans in October 2012 and July 2016. This last ban was eventually lifted at the beginning of April 2019. In 2012, when previously incarcerated, Ms. Nasrin Sotoudeh went on a 49-day hunger strike to protest against the travel ban on her daughter.

As a result of these threats and forms of pressure on family members, some human rights defenders and lawyers who have been targeted by the authorities are reluctant to have their cases publicly reported - even inside Iran. Their cases are therefore not publicised at their request.

33 See Mr. Reza Khandan's Facebook page.

IV. Recommendations

Since the re-election of President Rouhani in May 2017, and especially after street protests that erupted in December 2017 in reaction to the government's economic policies, human rights defenders, including human rights lawyers and women's rights defenders, have been the target of arrests and trials mostly on vague 'national security' charges. Women and men advocating for gender equality have also faced 'morality' charges. The authorities' targeting of human rights defenders, including lawyers, who are instrumental in representing their clients and defending the rule of law, has further undermined key guarantees of the right to a fair trial in Iran.

In light of the situation described in this report, the Observatory makes the following recommendations aimed at strengthening the protection of human rights defenders, including human rights lawyers and women's rights defenders, and ensuring an environment conducive for human rights work in Iran.

<u>To the government of Iran:</u>

General recommendations

- Ensure in all circumstances respect for human rights and fundamental freedoms in Iran, in accordance with international human rights standards and international instruments to which Iran is a State party.
- Fully implement all provisions under international human rights treaties binding on Iran, as well as all recommendations made to Iran by relevant UN Treaty Bodies and UN Special Procedures, and during the Universal Periodic Review (UPR).
- Abolish the death penalty.
- Ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and incorporate their provisions into the domestic legal framework.
- Comply with reporting requirements under the International Convention on Civil and Political Rights (ICCPR), the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), in a timely manner.
- Extend a standing invitation to all UN Special Procedures, including the UN Special Rapporteur on the Situation of Human Rights Defenders, the UN Special Rapporteur on the Independence of Judges and Lawyers, and the UN Special Rapporteur on the Situation of Human Rights in Iran, for an official visit to Iran.

Regarding the protection of human rights defenders

- Guarantee in all circumstances the physical integrity and psychological well-being of all human rights defenders in Iran.
- Immediately and unconditionally release all detained human rights defenders.
- Recognise the legitimate and essential role of human rights defenders in society and ensure that they enjoy a safe environment.

- Repeal or amend laws, regulations, and other provisions that criminalise or restrict the exercise of the right to freedom of opinion and expression, the right to freedom of association, and the right to freedom of peaceful assembly.
- Immediately end all forms of harassment against human rights defenders, including human rights lawyers, NGO members, and women's' rights defenders, and ensure that they are able to carry out their activities without hindrance.
- Ensure that all criminal proceedings are conducted in full accordance with Article 14 of the ICCPR, including by guaranteeing the right to legal assistance of one's own choosing.
- Ensure prompt, effective, and impartial investigations into all allegations of threats, harassment, and attacks against human rights defenders, and prosecute the perpetrators of such acts.
- Ensure prompt, effective, and impartial investigations into all allegations of torture and death in custody of human rights defenders and hold those responsible for such acts accountable.
- Ensure the proper implementation of the UN Standard Minimum Rules for the Treatment of Prisoners (the 'Nelson Mandela Rules') and the UN Rules of the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the 'Bangkok Rules').
- Conform to all the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, the UN Basic Principles on the Role of Lawyers, adopted in 1990, and the UN Basic Principles on the Independence of the Judiciary, adopted in 1985.
- Ensure that the judiciary is free from interference of any kind and upholds the integrity of judges, prosecutors, and lawyers, through transparent and merit-based appointments.
- Remove all executive and judicial interference in the management and working of bar associations and ensure that bar associations are autonomous and self-regulatory bodies.

<u>To the United Nations, in particular the UN Human Rights Council and its Special Procedures:</u>

- Express serious concern over the continued harassment and imprisonment of individuals who exercise their rights to freedom of expression, freedom of association, and freedom of peaceful assembly, including human rights defenders and lawyers, and demand the Iranian government release all those detained for the exercise of these rights.
- Systematically and publicly condemn the worsening situation of human rights defenders in Iran.
- Urge the Iranian authorities to guarantee the physical integrity and psychological well-being of all detained human rights defenders and to ensure that human rights defenders in Iran are able to carry out their legitimate activities without any hindrance or fear of reprisals.
- Continue to pay particular attention to the protection of human rights defenders in Iran in accordance with the UN Declaration on Human Rights Defenders, and monitor the implementation of the recommendations made by UN human rights mechanisms to Iran.
- Call on the government of Iran to increase its cooperation with the Special Procedures of the UN Human Rights Council, including by responding favourably to repeated requests for visits from the UN Special Rapporteurs on the Situation of Human Rights Defenders and on the Rights to Freedom of Peaceful Assembly and of Association.

To the European Union (EU), its member States, and other States:

- Pay particular attention to the situation of human rights defenders in Iran in accordance with the UN Declaration on Human Rights Defenders and the EU, the Swiss, the French, the Irish, the Dutch, the Finnish, the Norwegian and the Canadian Guidelines on Human Rights Defenders.
- Strongly condemn human rights violations in Iran and demand the release of all human rights defenders.
- Publicly and promptly condemn all attacks, threats, and acts of harassment against human rights defenders.
- Meet with, and publicly express support for, Iranian human rights defenders.
- Observe trials involving human rights defenders and publicly report back, if possible jointly, on any violations and issues of concern noted during hearings and ensure that such situations are followed up.
- Demand that the Iranian authorities cooperate with international human rights organisations and guarantee safe and unfettered access to the country in order to promote human rights, including by observing trials.
- Continue to monitor the implementation of recommendations addressed to the authorities of Iran.

To the EU:

- Guarantee that the EU Guidelines on Human Rights (notably concerning: human rights defenders; torture; and violence and all forms of discrimination against women and girls) are correctly implemented by the EU Delegation and member States, and publicly report on their implementation.
- Adopt full EU Council Conclusions to contribute to a strategy with benchmarks and timetables that leads to concrete commitments and actions on the part of Iran and a general improvement of the human rights situation on the ground.

Directors of publication: Dimitris Christopoulos, Gerald Staberock
Authors of the report: Manon Cabaup, Alexandra Poméon O'Neill, Juliette Rousselot
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Establishing the facts
Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.
Experts sent to the field give their time to FIDH on a voluntary basis.
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17 passage de la Main-d'Or - 75011 Paris - France
Tél. : + 33 1 43 55 25 18 / Fax : + 33 1 43 55 18 80 / www.fidh.org

Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

Assisting and supporting victims
OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity
Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders
Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field
OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

8 rue du Vieux-Billard - PO Box 21 - CH-1211 Geneva 8 - Switzerland
Tel: +41 22 809 49 39 / Fax: +41 22 809 49 29 / www.omct.org

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The Observatory
for the Protection
of Human Rights Defenders

Activities of the observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- A mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- The observation of judicial proceedings, and whenever necessary, direct legal assistance;
- International missions of investigation and solidarity;
- A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:

E-mail: Appeals@fidh-omct.org
FIDH Tel: + 33 1 43 55 25 18 Fax: + 33 1 43 55 18 80
OMCT Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29

fidh

OMCT
SOS-Torture Network